

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**CLEANUP AND ABATEMENT ORDER NO. 6-98-17  
WDID NO. 6A310118070**

**REQUIRING SQUAW VALLEY SKI CORPORATION TO CLEAN UP AND ABATE  
THE EFFECTS OF THE DISCHARGE OF EARTHEN MATERIAL AT THE NEW  
FUEL STORAGE TANK PROJECT TO SURFACE WATERS OF A TRIBUTARY OF  
THE SOUTH FORK SQUAW CREEK, TRUCKEE RIVER HYDROLOGIC SUBUNIT**

\_\_\_\_\_  
Placer County\_\_\_\_\_

The California Regional Water Quality Control Board, Lahontan Region (Regional Board) finds:

1. On April 8, 1993, the Regional Board adopted Board Order No. 6-93-25, establishing waste discharge requirements for Squaw Valley Ski Area.
2. Activities permitted under Board Order No. 6-93-25 include, in part, maintenance activities and small construction projects within the Squaw Valley Ski Area.
3. Board Order 6-93-25 contains the following general requirements.

“1. *DISCHARGE SPECIFICATIONS*

...

C. *Best Management Practices*

...

4. *There shall be no significant modification of existing drainage ways or existing stream channel geometry except for the purpose of stabilization or enhancement of water quality improvement effects. All modifications of the bed, channel, or bank or a stream require a prior written agreement with the California Department of Fish and Game.*

...

12. *At no time shall waste earthen materials be placed in surface water drainage courses, or in such a manner as to allow the discharge of such materials to adjacent undisturbed land or to any surface water drainage course.”*

4. On July 31, 1997, Regional Board staff members T. Jerrold Peacock and Kara Russell inspected the construction area and verified that during construction of a building pad for new underground diesel fuel storage tanks, SVSC had placed unauthorized fill within and over approximately 260 feet of a natural ephemeral drainage way. No water was flowing in the drainage way at that time. A temporary channel had been constructed at the west edge of the building pad to divert any runoff from the upstream drainage channel around

the building pad. Further inspection on September 11, 1997 by Mr. Peacock verified, within test pits located in the fill area, the existence of hydric soils underlying the fill in the expected location of the original stream channel.

5. Filling in the ephemeral drainage channel constitutes a discharge of waste to waters of the state in violation of waste discharge requirements.
6. This Order is being issued to abate conditions which violate waste discharge requirements contained in Board Order No. 6-93-25 and discharge or threaten to discharge waste (earthen materials and sediment) to Squaw Creek, a water of the State. For the purposes of this Order the Squaw Valley Ski Corporation is considered as the Discharger.
7. Section 12204 of the California Water Code states in part:  
  
*“Any person who has discharged or discharges waste into the waters of the state in violation of any waste discharge requirement ... shall upon order of the Regional Board clean up such waste or abate the effects thereof or, in the case of a threatened pollution or nuisance, take other necessary remedial action.”*
8. This enforcement action is being taken by this regulatory agency to enforce the provisions of the California Water Code and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14 of the California Code of Regulations.

**IT IS HEREBY ORDERED** that pursuant to Division 7, Section 13304 and 13267 of the California Water Code, the Squaw Valley Ski Corporation shall:

1. By **May 15, 1998**, submit to the Regional Board final plans for the following:
  - a. removal of all fill material overlying, but not including, hydric soil within the original stream zone;
  - b. restoration, to the fullest degree possible, of the stream zone in its original location to its original condition; and
  - c. permanent stabilization of all cut and fill slopes adjacent to the restored stream zone, sufficient to protect the establishment and maintenance of the restored stream biota and to prevent erosion.

Written approval of plans must be obtained from Regional Board staff prior to construction. Grading plans equivalent to those submitted by SVSC dated October 8, 1997 and approved by Regional Board staff on October 10, 1997 will be deemed sufficient to meet the provisions specified above, provided they are accompanied by additional detail regarding reestablishment of biota in the stream zone.

3. By **September 15, 1998**, remove all unauthorized fill, restore the original stream zone and permanently stabilize all cut and fill slopes adjacent to the restored stream zone.

The Regional Board's Executive Officer reserves the right to require additional cleanup measures should additional work continue to threaten the quality of the South Fork Squaw Creek.

Failure to comply with the terms of conditions of this Order will result in additional enforcement action which may include the imposition of administrative civil liability in the amount of up to \$1000 per day of violation or referral to the Attorney General of the State of California for such legal action, including but not limited to civil liability of up to 10,000 per day of violation as he/she may deem appropriate.

Ordered by: \_\_\_\_\_ Dated: \_\_\_\_\_  
HAROLD J. SINGER  
EXECUTIVE OFFICER